

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

BRITTANY HUNTER,)	No. ED101338
)	
Respondent,)	Appeal from the Circuit Court
)	of City of St. Louis
vs.)	
)	
CHARLES MOORE, SR.,)	Honorable David L. Dowd
)	
Appellant.)	
)	FILED: April 14, 2015

Charles Moore, Sr. ("Appellant") appeals from the trial court's judgment ordering reformation and specific performance under an agreement pursuant to Section 537.065, RSMo (2000), requiring Appellant to agree to a consent judgment or to have an uncontested hearing on liability and damages to prohibit American Family Mutual Insurance Company ("American Family") from controlling the defense in a pending personal injury case brought by Brittany Hunter ("Respondent") against Appellant.

REVERSED AND REMANDED.

Division Four Holds: The trial court erred in reforming the 537 Agreement because there was no mutual mistake in putting the parties' agreement into writing. The agreement did not contain any language requiring Appellant to submit to a consent judgment or an uncontested hearing on liability and damages, and the trial court's decision to reform the contract by adding this language was improper and against the weight of the evidence.

Opinion by: Roy L. Richter, J.

Patricia L. Cohen, P.J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Cheryl A. Callis, Kenneth M. Lander, Susan Ford Robertson, J. Zachary Bickel

Attorney for Respondent: Matthew P. O'Grady

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
